

MAR 18 2009

Board of Vocational Nursing
and Psychiatric Technicians

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8
9 **BEFORE THE**
10 **BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS**
11 **DEPARTMENT OF CONSUMER AFFAIRS**
12 **STATE OF CALIFORNIA**

13 In the Matter of the Accusation Against:

Case No. VN 2007-197

14 **ELOISA MARIE MOORE, a.k.a.**
15 **ELOISA MARIE PHELPS**
834 West Valencia Avenue
16 Fresno, California 93706

ACCUSATION

17 Vocational Nurse License No. VN 201196

18 Respondent.

19 Teresa Bello-Jones, J.D., M.S.N., R.N. ("Complainant") alleges:

20 **PARTIES**

21 1. Complainant brings this Accusation solely in her official capacity as the
22 Executive Officer of the Board of Vocational Nursing and Psychiatric Technicians ("Board"),
23 Department of Consumer Affairs.

24 **License History**

25 2. On or about September 23, 2002, the Board issued Vocational Nurse
26 License No. VN 201196 ("license") to Eloisa Marie Moore, also known as Eloisa Marie Phelps
27 ("Respondent"). The license will expire on November 30, 2009.

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JURISDICTION

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2 3. Section 2875 of the Business and Professions Code ("Code") states, in
3 pertinent part, that the Board may discipline the holder of a vocational nurse license for any
4 reason provided in Article 3 (commencing with Code section 2875) of the Vocational Nursing
5 Practice Act:

6 4. Code section 118, subdivision (b), states, in pertinent part, that the
7 expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary
8 action during the period within which the license may be renewed, restored, reissued or
9 reinstated.

STATUTORY PROVISIONS

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11 5. Code section 2878 states, in pertinent part:

12 The Board may suspend or revoke a license issued under
13 this chapter [the Vocational Nursing Practice Act (Bus. & Prof.
Code, § 2840, et seq.)] for any of the following:

14 (a) Unprofessional conduct, . . .

15 (f) Conviction of a crime substantially related to the
16 qualifications, functions, and duties of a licensed vocational nurse,
in which event the record of the conviction shall be conclusive
evidence of the conviction.

17 (j) The commission of any act involving dishonesty,
18 when that action is related to the duties and functions of the
licensee.

19
20 6. Code section 2878.6 states, in pertinent part:

21 A plea or verdict of guilty or a conviction following a plea
22 of nolo contendere made to a charge substantially related to the
23 qualifications, functions and duties of a licensed vocational nurse
is deemed to be a conviction within the meaning of this article. . .
24 irrespective of a subsequent order under the provisions of Section
1203.4 of the Penal Code allowing such person to withdraw his
25 plea of guilty . . . , or setting aside the verdict of guilty, or
dismissing the accusation, information or indictment.

COST RECOVERY

26
27 7. Code section 125.3 provides, in pertinent part, that the Board may request
28 the administrative law judge to direct a licentiate found to have committed a violation or

1 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
2 and enforcement of the case.

3 **FIRST CAUSE FOR DISCIPLINE**

4 **(Criminal Convictions)**

5 8. Respondent has subjected her license to disciplinary action under Code
6 section 2878, subdivision (f), in that Respondent was convicted of crimes substantially related to
7 the qualifications, functions or duties of a vocational nurse, as follows:

8 a. On or about January 14, 2000, in the Superior Court of California, County
9 of Fresno, in the case entitled *People of the State of California v. Eloisa Marie Moore* (Super. Ct.
10 Fresno County, 1999, Case No. 632877-7), Respondent was convicted on her plea of nolo
11 contendere of violating Penal Code section 476 (Possession of Fictitious/Fraudulent Checks), a
12 misdemeanor.

13 b. On or about November 14, 2007, in the Superior Court of California,
14 County of Fresno, in the case entitled *People of the State of California v. Eloisa Marie Moore,*
15 *aka Eloisa Marie Phelps* (Super. Ct. Fresno County, 2005, Case No: F07904540), Respondent
16 was convicted on her plea of nolo contendere of violating Penal Code section 487, subdivision
17 (a) (Grand Theft of Personal Property), a misdemeanor. The circumstances of the crime are that
18 on or about February 5, 2005, through October 25, 2005, Respondent did unlawfully take money
19 and personal property of a value exceeding Four Hundred Dollars (\$400), to wit: State of
20 California pay warrants, the property of In-Home Supportive Services.

21 **SECOND CAUSE FOR DISCIPLINE**

22 **(Dishonesty)**

23 9. Respondent has subjected her license to disciplinary action under Code
24 section 2878, subdivision (j), in that Respondent has committed acts of dishonesty which are
25 related to the duties and functions of a vocational nurse, as set forth in paragraph 8, above.

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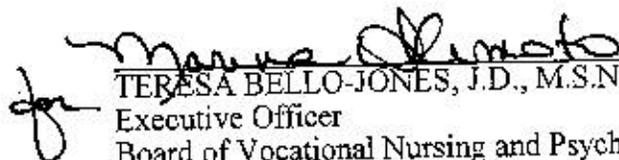
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PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Vocational Nursing and Psychiatric Technicians issue a decision:

1. Revoking or suspending Vocational Nurse License Number VN 201196 issued to Eloisa Marie Moore, also known as Eloisa Marie Phelps;
2. Ordering Eloisa Marie Moore, also known as Eloisa Marie Phelps, to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to Code section 125.3; and,
3. Taking such other and further action as deemed necessary and proper.

DATED: March 13, 2009


TERESA BELLO-JONES, J.D., M.S.N., R.N.
Executive Officer
Board of Vocational Nursing and Psychiatric Technicians
Department of Consumer Affairs
State of California
Complainant